

EXHIBIT 2

From: Wikberg, Terrence (WDC)
Sent: Monday, June 21, 2021 9:39 AM
To: Sklar, Steven
Cc: Snow, Max; Airan, David; Filbin, Paul; Simpson, Amy (SDO); Moffa, Matthew (NYC)
Subject: Carnegie v. Fenix

Steve,

As long as the Court's current constructions of the terms "single-crystal diamond," "growth surface," "controlling temperature of a growth surface of the diamond such that all temperature gradients across the growth surface are less than 20° C," "growing single-crystal diamond ... on the growth surface at a growth temperature in a deposition chamber having an atmosphere with a pressure of at least 130 torr," and "growing single-crystal diamond ... on the growth surface at a temperature of 900-1400° C" (*see* D.I. 133 at 11–12) remain the law, Plaintiffs Carnegie Institution of Washington and M7D Corporation ("Plaintiffs"), on behalf of themselves and any successors-in-interest to U.S. Patent No. 6,858,078 (the "'078 Patent"), covenant not to assert patent infringement (including direct infringement, contributory infringement, and induced infringement) under any claim of the '078 Patent against Fenix, Nouveau, Fenix's direct or indirect subsidiaries, or any other Fenix supplier, distributor, customer, or partner, or any of their successors and assigns, based upon their previous or current or future making, using, manufacturing, development, marketing, licensing, distributing, importing, offering for sale, or selling any of Fenix's products manufactured by Nouveau's manufacturing process as such process has been described by Fenix and Nouveau throughout this litigation.

Based on the foregoing, Plaintiffs intend to move the Court to dismiss Fenix's remaining counterclaims. Please provide Fenix's position regarding Plaintiff's motion before today's call with the Court.

Regards
Terry

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